

Dear Mrs. Wikström,

Thank you for your letter of 20 June 2011 concerning your recent visit to Cambodia last May.

I note your experience with the EU's 'Everything but Arms' (EBA) scheme and its alleged effects on villages in Kompong Speu and Koh Kong, in relation to which you would like the European Commission to look at the possibility of a temporary withdrawal of the EBA provisions, with regard to sugar and other agricultural products from Cambodia. Furthermore, you request the Commission to conduct a thorough investigation into the human rights abuses under the safeguards provisions of the General System of Preferences (GSP) Regulation, independent from the investigation by the Cambodian Government.

Let me first of all reassure you that land management is one of the highest political priorities in our relations with the Royal Government of Cambodia and together with other donors and development partners we will continue to urge the authorities to take appropriate action.

Already in November 2010, the Council Working Group on Asia (COASI) mandated the EU Head of Missions to give a more concerted and clear message of concern to the authorities on the issue of land rights and evictions, while at the same time finding ways to deepen the dialogue with them. There is a general consensus amongst the Member States that the issue should be looked at from a broader governance perspective, and even if the situation has deteriorated during the last years, the EU would want to avoid trade sanctions.

The EU Delegation in Phnom Penh is also extremely active on the subject of land management and allegations of land rights' violations related to sugar production, and has been relaying our concerns to the authorities. Also, during the last EU-Cambodia Joint Committee in October 2010, the allegations of land rights' violations related to sugar production were amongst the main issues for discussion. Cambodia informed the EU of "its concerns about the issue and of its intention to launch an investigation to the fullest extent on these allegations and to inform the EU on the results." The EU is still awaiting the official response but the Secretary of State of the Ministry of Foreign Affairs, H.E. Ouch Burith, has agreed to meet with EU Heads of Mission and the Charge' d'Affaires of the EU Delegation to Cambodia in the first week of August.

Mrs. Wikström
Member of the European Parliament
Rue Wiertz
1047 Brussels

There is also a series of upcoming high level meetings which provide further opportunities to impress upon the Government our concerns and to demonstrate how these cases have a negative impact on the perception of the country's economy as well as on European public opinion.

As regards the specific case of the GSP, and in particular EBA, it must be noted that it was created as an incentive-based tool to support development of least-developed countries.

As you rightly point out, the GSP Regulation foresees that preferences granted to Cambodia under the EBA scheme could be withdrawn in cases of "serious and systematic violations" of principles laid down in the core international conventions on human and labour rights, on the basis of the conclusions of the relevant international bodies.

The Commission must therefore rely in its judgement on the accuracy of beneficiary country actions on the monitoring procedures and expertise of relevant specialized monitoring bodies before it can launch an investigation and propose appropriate action. Therefore the Commission considers the withdrawal of EBA preferences only as a last resort and relies instead on cooperation, transparency and dialogue as more efficient tools to achieve our objectives.

In light of this, the European Commission and the European External Action Service (EEAS) will continue to engage with Cambodia Government to advance towards a better respect of the principles enshrined in relevant UN conventions, and in particular to ensure the full implementation and enforcement of its Land Management Concessions legislation in order to protect the rights of local communities already occupying land.

Yours Sincerely,

A handwritten signature in black ink, appearing to be 'Karel De Gucht', written in a cursive style.

Karel De Gucht